

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE ENROLLED ACT No. 1063

AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 10-13-3-21, AS AMENDED BY P.L.1-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. As used in this chapter, "special education cooperative" has the meaning set forth in ~~IC 20-35-5-1(7)~~. **IC 20-35-5-1(8)**.

SECTION 2. IC 20-24-8-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) Before July 1 of any year, a charter school and the governing body of the school corporation whose attendance area includes the charter school may enter into a compact in which the:**

- (1) school corporation or charter school agrees to provide goods, facilities, services, or other consideration to the other party to the compact; and**
- (2) charter school authorizes the school corporation to include the charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment.**

(b) If a charter school and a governing body enter into a compact under subsection (a), the charter school and the governing body shall notify the department that a compact has been executed

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under this section within thirty (30) days after the compact is executed.

(c) Upon receipt of the notification under subsection (b), the department shall, for school years starting with the school year beginning in the calendar year in which the compact was executed, include the charter school's performance assessment results under IC 20-31-8 when calculating the school corporation's performance assessment.

(d) A compact entered into under this section may not change the rights, duties, or responsibilities of an existing:

- (1) employment contract; or
- (2) collective bargaining agreement;

between a school employee and a school corporation or a charter school. An employee of a school corporation who provides services to a charter school remains an employee of the school corporation.

(e) This section may not be construed to prohibit any other agreement between a charter school and the governing body of the school corporation whose attendance area includes the charter school for goods, facilities, services, or other consideration.

SECTION 3. IC 20-35-5-1, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The definitions in this section apply throughout this chapter.

(1) "Agreement" means an:

- (A) identical resolution adopted by the governing body of each participating school corporation **or the governing board of a participating charter school**; or
- (B) agreement approved by the governing body of each participating school corporation **or the governing board of a participating charter school**;

providing for a special education cooperative.

(2) "Assessed valuation" of a participating school corporation for a school year means the net assessed valuation of the school corporation for the immediately preceding March 1, adjusted in the same manner as any adjustment is made in determining the amount of state distribution for school support.

(3) "Board of managers" means the board or commission charged with the responsibility of administering the affairs of a special education cooperative.

(4) "Governing body" of a participating school corporation **or charter school** means the board or commission charged by law with the responsibility of administering the affairs of the school



corporation **or charter school**. In the case of a school township, the term means the township trustee and township board.

(5) "Participating school corporation" means a local public school corporation that:

(A) is established under Indiana law; and

(B) cooperates with other **school corporations or charter schools** in a special education cooperative.

(6) "Participating charter school" means a charter school that is established under Indiana law and cooperates with other school corporations or charter schools in a special education cooperative.

~~(6)~~ (7) "Percentage share" of a participating school corporation is the percent that its assessed valuation bears to the total assessed valuation of all the participating ~~schools~~ **school corporations** joining in an agreement.

~~(7)~~ (8) "Special education cooperative" means a department, school, **charter school**, or school corporation established, maintained, and supervised for the education of children with disabilities in accordance with this section.

SECTION 4. IC 20-35-5-2, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~Two (2) or more~~ **A participating school corporations corporation or charter school, together with one (1) or more participating school corporations or charter schools**, may form a special education cooperative in accordance with the provisions of either sections 13 through 15 of this chapter or section 16 of this chapter, but subject to the limitations of this section and sections 3 through 8 of this chapter, by adopting an agreement that contains the following provisions:

(1) A plan for the organization, administration, and support for the special education cooperative, including the establishment of a board of managers.

(2) The commencement date of the establishment of the special education cooperative, which must be contemporaneous with the beginning of a school year.

(3) The extension of the special education cooperative for at least five (5) school years and a provision that the special education cooperative will extend from school year to school year after the five (5) year period unless the special education cooperative is terminated by action of the governing bodies **or governing boards** of a majority of the participating school corporations **and participating charter schools** that is taken at least one (1) year



before termination of the agreement.

SECTION 5. IC 20-35-5-3, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. During the term of an agreement adopted under section 2 of this chapter, the agreement may be modified by unanimous consent of all the participating school corporations **and charter schools**.

SECTION 6. IC 20-35-5-4, AS AMENDED BY P.L.2-2006, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. An agreement adopted under section 2 of this chapter may include the following:

- (1) An agreement to acquire sites, buildings, and equipment for the sites and buildings by:
 - (A) purchase;
 - (B) lease from any of the participating school corporations **or charter schools** for the term of the agreement; or
 - (C) lease under the provisions of IC 20-47-2 or IC 20-47-3.
- (2) An agreement to repair, equip, and maintain school buildings and equipment.
- (3) An agreement that participating school corporations may use funds from their respective capital projects fund to pay for the costs under subdivision (1) or (2) or for any other purposes authorized under IC 20-40-8.
- (4) An agreement with a charter school to exchange any consideration for special education services.**

SECTION 7. IC 20-35-5-5, AS AMENDED BY P.L.2-2006, SECTION 158, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The amount of money used from a participating school corporation's capital projects fund shall be determined by agreement among the participating school ~~corporations~~ **parties**.

SECTION 8. IC 20-35-5-6, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The cost of the special education cooperative for each school year shall be paid by the participating school corporations **and charter schools** in accordance with the terms of their agreement. Agreements for the payment of the cost of the special education cooperative may:

- (1) establish a formula for payments that meet the needs of the **participating** school corporations **and participating charter schools**; or
- (2) base payments on a percentage share formula.



SECTION 9. IC 20-35-5-7, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. Upon the termination of the agreement, the participating school corporations **and charter schools** shall be liable for their respective portions of any long term lease or other long term obligations in the same annual portions as are provided in the agreement as though the agreement had not been terminated, unless the terms under which the obligations were set up provide otherwise.

SECTION 10. IC 20-35-5-14, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. A special education cooperative may be operated and managed and its budget determined by a board of managers. The board of managers consists **of members as determined by agreement between the parties.** ~~of one (1) designated member from each participating school corporation. The designated member from a participating school corporation must be:~~

- (1) the president (or trustee in the case of a school township) of the governing body of a participating school corporation;
- (2) any member of the governing body whom the president or trustee designates;
- (3) the superintendent of a participating school corporation appointed by the president (or trustee in the case of a school township) of the governing body of the participating school corporation; or
- (4) an assistant superintendent of a participating school corporation appointed by the president (or trustee in the case of a school township) of the governing body of the participating school corporation.

The president or trustee may change the designated member at any time.

SECTION 11. IC 36-1-7-1, AS AMENDED BY P.L.221-2007, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to the following:

- (1) The state.
- (2) All political subdivisions.
- (3) All state agencies.
- (4) Any of the following created by state law:
 - (A) Public instrumentalities.
 - (B) Public corporate bodies.
- (5) Another state to the extent authorized by the law of that state.
- (6) Political subdivisions of states other than Indiana, to the extent authorized by laws of the other states.



(7) Agencies of the federal government, to the extent authorized by federal laws.

(8) Indiana charter schools.

SECTION 12. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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